

TTAB

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OSHO-FRIENDS
INTERNATIONAL

Opposer,

OSHO INTERNATIONAL
FOUNDATION,

Applicant.

OPPOSITION NO.

Trademark: OSHO KUNDALINI MEDITATION

Serial No.: 76/060,676

Filed: May 31, 2000



07-18-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #61

TRADEMARK TRIAL AND
APPEAL BOARD
02 JUL 25 AM 8:33

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

NOTICE OF OPPOSITION

Osho Friends International, a trust organized under the laws of India, with a trustee located at C-5/44, S.D. Area, New Delhi, 110 016, India, (hereinafter "Opposer") believes that it would be damaged by registration of the mark shown in Application Serial No. 76/060,676 filed May 31, 2000, by Osho International Foundation (hereinafter "Applicant"), published in the *Official Gazette* of the United States Patent and Trademark Office on May 28, 2002 (Vol. 1258, No. 4, TM 77). Opposer hereby opposes the registration of such mark under the provisions of Section 13 of the Trademark Act of July 5, 1946 (15 U.S.C. § 1063). The time to oppose was extended by requests.

THE GROUNDS FOR THE OPPOSITION ARE AS FOLLOWS:

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I. INTRODUCTION

1. The person who became known as Osho was born in India in 1931 as Rajneesh Chandra Mohan, and is referred to hereinafter as "Osho." While serving as a Professor of Philosophy at an Indian university, Osho traveled all over India giving lectures and conducting meditation camps. At that time, he came to be known as Acharya Rajneesh. "Acharya" in Hindi is a title for a learned person. Later, Osho adopted the name Bhagwan Shree Rajneesh. "Bhagwan" means "Blessed One," "Shree" is a respectable prefix for a name and "Rajneesh" means the "lord of the full moon."

2. In 1974, Osho moved to Pune (a town in India in the State of Maharashtra) and started a commune of people from around the world.

3. Osho's teachings were so popular that starting in 1967, a series of institutions were established in India and around the world to help spread Osho's teachings.

4. From 1981 through 1985, Osho lived in the United States in a 126 square mile area of desert which he transformed into a spiritual commune.

5. By 1986, when Osho returned to India, he had gained tremendous publicity and recognition as a "Spiritual Mystic" internationally, including in the United States.

6. In 1989 (about a year before Osho "left his body"¹), Osho adopted "OSHO" as his name at the request of his disciples. He explained that the term OSHO is derived from William James's word "Oceanic" which means "dissolving into the Ocean." As Osho himself explained, "the word "Oceanic" describes the experience, but what about the experiencer? For that we use the word 'OSHO'".

¹ The followers of the teachings of Osho do not use the word "alive" or "dead" to refer to the mystic Osho. Out of respect, we will use herein the term "in his body" to refer to the period of time Osho was living and "left his body" to refer to the period thereafter.

7. Since Bhagwan Shree Rajneesh adopted the term "Osho" as his name in 1989, the term "Osho" has been commonly used to refer not only to Osho himself, but also to the spiritual movement embodied in his teachings.

8. Osho "left his body" in 1990.

9. Opposer is a non-commercial spiritual association of centers and individuals involved in spreading teachings. Opposer's members include individuals and meditation centers in the United States that study and spread Osho's teachings and use the term "Osho" in connection with services and activities of a subject matter which is similar to that covered by the goods and services in Applicant's application.

10. Applicant has applied for registration of the term OSHO KUNDALINI MEDITATION for use in connection with "educational services, namely, conducting individual sessions, workshops, retreats, seminars, groups, courses, training in the field of the teachings of the mystic Osho" in Class 41 and "for spiritual counseling and meditations" in Class 42.

11. The grant of a registration to Applicant for the OSHO KUNDALINI MEDITATION mark would damage Opposer.

12. The grant of a registration to Applicant for the OSHO KUNDALINI MEDITATION mark would damage Opposer's members.

13. As an organization charged with facilitating the unrestricted spread and study of Osho's teachings, ensuring that there are no restrictions on the use of the name Osho, and protecting the freedom to use generic and/or descriptive terminology such as "Osho Kundalini Meditation" is relevant to Opposer's purpose.

II. Applicant's Alleged Mark is Generic or Merely Descriptive In Its Entirety

14. Opposer realleges, and incorporates by this reference, each and every allegation set forth in paragraphs 1 through 14, inclusive.

15. "Osho" is the common name of the subject matter of the services specified in Applicant's description of services, and has become the generic name for services of a similar subject matter offered by numerous entities in the United States and around the world that are engaged in activities that relate to the spiritual mystic Osho and his teachings. The term "Osho" does not function to identify Applicant's goods and services or to distinguish them from the goods and services offered by others.

16. "Kundalini Meditation" is the common name for the subject matter of the services specified in Applicant's description of services, and has become the generic name for services of a similar subject matter. In fact, Applicant has disclaimed the term "Kundalini Meditation" apart from the mark itself. Given that the term "Kundalini Meditation" merely describes a style of meditation, it does not function to identify Applicant's goods and services or to distinguish them from the goods and services offered by others.

17. The combination of the highly descriptive and/or generic terms "Osho," "Kundalini" and "Meditation" results in a composite which is just as descriptive as its component parts.

18. The term "Osho Kundalini Meditation" when used in connection with the services listed in its application, is generic or merely descriptive. The term "Osho Kundalini Meditation" immediately tells consumers the subject matter of the services covered in the application, namely a style of meditation based on the teachings of Osho. Without a showing of secondary meaning, the alleged mark does not function to identify Applicant's goods and services or to distinguish

them from the goods and services offered by others. Even if there were a showing of alleged secondary meaning, the term is generic.

19. Therefore, pursuant to Section 2(e)(1) of the Lanham Act, the term "Osho Transformation Tarot" is not registrable.

III. Applicant's Alleged Mark Creates a False Association

20. Opposer realleges, and incorporates by this reference, each and every allegation set forth in paragraphs 1 through 20, inclusive

21. Applicant's alleged mark falsely suggests a connection with Osho and/or his teachings.

22. Therefore, pursuant to Section 2(a) of the Lanham Act, registration of the OSHO KUNDALINI MEDITATION mark should be rejected.

WHEREFORE, Opposer files this Notice of Opposition and prays that the aforesaid application of Osho International Foundation herein opposed, be rejected; that no registration be issued thereon to Applicant; and for such other and further relief as may be deemed just and proper.


A check in the amount of \$600 for the filing fee for this Notice of Opposition is attached hereto. Any additional fees that may be required can be withdrawn from deposit account No. 18-2284.

Please address all correspondence regarding this opposition to:

Monica L. Thompson
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Dated: July 15, 2002

OSHO FRIENDS INTERNATIONAL

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on July 15, 2002.

Gina L. Durham

(Print or type name of person signing the certificate)

Gina L. Durham

(Signature of person signing the certificate)

July 15, 2002

(Date of Signature)